

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-19808-2020 (O&M)

Date of Decision: 07.08.2020

Nirmal Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. JS Khiva, Advocate for
Mr. SS Gopera, Advocate for the petitioner

Mr. Rana Harjasdeep, DAG Punjab

Mr. Gurcharan Singh, Advocate for the complainant

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

Petitioner-Nirmal Singh, stated to be aged 35 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.25 dated 28.02.2020 under Sections 406, 420, 465, 467, 468, 471 & 120-B of Indian Penal Code, registered at Police Station Sadar Samana, District Patiala.

Learned counsel for the petitioner, based on the pleadings in the petition, submits that the petitioner was arrested on 29.02.2020. He then submits that the challan in this case has been presented on 24.04.2020, but, till date, no witness has been examined. Learned counsel further submits that the allegation against the petitioner is that he personated as Kabul Singh while executing agreement to sell dated 06.07.2018 which was cancelled and new agreement to sell dated 26.02.2019 was executed between Sahib Singh and Subegh Singh. It is urged that the petitioner was neither the beneficiary nor

signatory to the subsequent agreement and no amount was received by the petitioner.

Learned counsel for the State as well as counsel for the complainant submit that Rs.7,00,000/- were paid as earnest money. The fact that the challan has been presented on 24.04.2020 and the witnesses have not been examined, has not been denied.

Learned counsel for the petitioner submits that due to the outbreak of pandemic COVID-19 and the fact that trial is likely to take time, petitioner be granted bail as his retention in jail may be dangerous to his life.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID and the fact that trial is likely to take time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds.

In addition to the above said bail bonds, the petitioner is directed to furnish security in the form of bank guarantee or original papers of immovable property worth Rs.1,00,000/-.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly

07.08.2020

vishal shonkar

(Girish Agnihotri)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No